

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Sprint Docket No. 1654)

In re Application of:)
Yarkosky et al.)
Serial No.: 09/886,633) Art Unit: 2617
Filed: June 21, 2001) Examiner: Bryan J. Fox
For: METHOD AND SYSTEM FOR OVERCOMING) Conformation No. 6146
PILOT POLLUTION IN A WIRELESS)
COMMUNICATIONS NETWORK)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION TO RE-FILE PREVIOUSLY FILED RESPONSE

In response to the Office Action mailed September 22, 2006, Applicants mailed a Response by first class mail on November 27, 2006. A copy of the Response and its Transmittal Letter with Certificate of Mailing is attached as Exhibit A. The USPTO received the Response on December 4, 2006, as indicated by the postcard receipt attached as Exhibit B. The postcard specifically identifies the Response and is stamped by the USPTO with a receipt date of "DEC 04 2006." Thus, the postcard serves as *prima facie* evidence that the USPTO received the Response on December 4, 2006. *See* MPEP § 503.

It appears, however, that, despite the USPTO's timely receipt of the Response, the Response was not properly entered into the USPTO's records. On March 28, 2007, Examiner Bryan Fox contacted the undersigned by telephone to ask about the status of the above-referenced

application. Examiner Fox was informed that a Response had been timely filed, as indicated by the stamped postcard receipt. Examiner Fox subsequently requested the undersigned to re-file the previously filed Response along with proof of receipt by the USPTO. The undersigned agreed to do so.

Accordingly, Applicants hereby submit this Communication in order to re-file the previously filed Response (Exhibit A) and to submit the stamped postcard (Exhibit B) as proof that the USPTO received the Response on December 4, 2006. Applicants respectfully request the USPTO to update its records to indicate that the Response was timely filed on December 4, 2006 and to consider the merits of the amendments and arguments set forth in the Response. Should the Examiner feel that further dialog would advance the subject application to issuance, the Examiner is invited to telephone the undersigned at any time at (312) 913-0001.

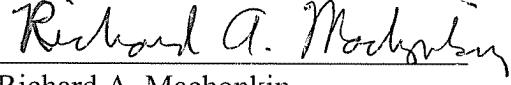
Applicants submit that no fees are required to re-file the previously-filed Response. However, should any fee(s) be required under 37 C.F.R. §§ 1.16-1.21, please charge such fee(s) or credit any overpayment of such fee(s) to Deposit Account No. 210765.

Respectfully submitted,

**McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

Dated: March 28, 2007

By:


Richard A. Machonkin
Reg. No. 41,962